

REMARKS

In the outstanding Office Action identified above, the Examiner objected to the specification; rejected claims 1, 2, 5, and 6 under 35 U.S.C. §102(b) as being anticipated by Larson et al. (U.S. Patent No. 5,383,340); and rejected claims 4, 7, and 8 under 35 U.S.C. §103(a) as being unpatentable over Larson et al. in view of Becker (U.S. Patent No. 6,199,915), Nielson et al. (U.S. Patent No. 4,990,541), and Florence et al. (U.S. Patent No. 6,776,421), respectively. Claims 9-22 were previously allowed. Based on the following reasoning, Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. § 102(b) and § 103(a).¹

I. Objection to the Specification

Regarding the objection to the specification, Applicants have amended the title and abstract as suggested by the Examiner. Accordingly, Applicants request the Examiner to withdraw the objection to the specification.

II. The Rejection of Claims 1, 2, 5, and 6 Under 35 U.S.C. § 102

Claims 1, 2, 5, and 6 were rejected under 35 U.S.C. §102(b) as being anticipated by Larson et al. Applicants respectfully traverse this rejection.

In order to support a rejection under 35 U.S.C. § 102(b), each and every element as set forth in the claims must be found, either expressly or inherently described, in a

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to certain assertions or requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

single prior art reference. M.P.E.P. § 2131. Larson et al. fails to teach each and every recitation of claim 1.

Independent claim 1 recites a combination including, *inter alia*, "a circulating path through which liquid coolant for cooling the heat-generating component flows, the circulating path having a first connecting end, a second connecting end connected to the first connecting end, and an outer wall surrounding the first connecting end, the second connecting end being interposed between the first connecting end and the outer wall; and a coolant-absorbent member interposed between the second connecting end and the outer wall." Larson et al. fails to disclose at least these claim elements.

The Examiner characterizes the wall 26 and 28 and also the wall surrounding vent 36 as the claimed "outer wall." (OA at 3).² However, Larson et al. teaches that these walls are included in lid 20 of the disclosed laptop. (Col. 3, lines 65-67 and Col. 4, lines 52-54). As such, this teaching cannot constitute "the circulating path having . . . an outer wall," as recited in claim 1. Indeed, the Examiner characterizes the tubing 50 of Larson et al. as the claimed "circulating path" and Larson et al. is silent as to the tubing 50 having an outer wall. Similar reasoning applies with regards to the claimed first and second ends.

Furthermore, Larson et al. also fails to teach "a coolant-absorbent member interposed between the second connecting end and the outer wall," as recited in claim 1. The Examiner characterizes wicking 54 of Larson et al. as the claimed

² The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

coolant-absorbent member (OA at 3). Applicants respectfully disagree with the Examiner's characterizations. Larson et al. discloses that wicking 54 "draws toward the screen a portion of the liquid coolant that would otherwise flow, under the force of gravity, through the tubing 50 to the evaporator 40" (Col. 4, line 64-Col. 5, line 8). That is, wicking 54 is used to move liquid by a capillary phenomenon. However, Larson et al. is silent as to the wicking 54 being a "coolant-absorbent member," as recited in claim 1. Indeed, Larson et al. only discloses a computer which comprises base 22 accommodating evaporator 40, lid 20 accommodating condenser 42, and tubing 50 connecting evaporator 40 and condenser 42. Larson et al. does not disclose any structure for preventing liquid from leaking from the junction of tubing 50. Therefore, claim 1 is allowable over Larson et al. Claims 2, 5, and 6 depend from independent claim 1 and, therefore, require all the elements of claim 1 and are thus also allowable over Larson et al. for at least the same reasons.³

III. The Rejection the Claims 4, 7, and 8 Under 35 U.S.C. § 103

Claims 4, 7, and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Larson et al. in view of Becker, Nielson et al., and Florence et al., respectively. Applicants respectfully traverse this rejection because the Examiner has failed to establish a *prima facie* case of obviousness.

³ As Applicants' remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejection of all claims dependent therefrom, Applicants' silence as to the Examiner's assertions with respect to dependent claims is not a concession by Applicants to the Examiner's assertions as to these claims, and Applicants reserve the right to analyze and dispute such assertions in the future.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim elements. Furthermore, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." See M.P.E.P. § 2143.01 (8th Ed., Aug. 2001), quoting In re Wilson, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Finally, there must be a reasonable expectation of success. See M.P.E.P. § 2143 (8th Ed. 2001), pp. 2100-122 to 127.

Claims 4, 7, and 8 depend from claim 1 and, therefore, include all the elements of claim 1. As explained, claim 1 recites elements not disclosed or suggested by Larson et al. Furthermore, Applicants submit that Becker, Nielson et al., and Florence et al. do not cure this deficiency. That is, the Examiner has also failed to show where Becker, Nielson et al., or Florence et al. teach or suggest "a circulating path through which liquid coolant for cooling the heat-generating component flows, the circulating path having a first connecting end, a second connecting end connected to the first connecting end, and an outer wall surrounding the first connecting end, the second connecting end being interposed between the first connecting end and the outer wall; and a coolant-absorbent member interposed between the second connecting end and the outer wall," as recited in claim 1.

Since the cited references, taken either alone or in any reasonable combination, fail to teach or suggest each and every element required by claims 4, 7, and 8, no *prima*

facie case of obviousness has been made out with respect to those claims. Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 4, 7, and 8 under 35 U.S.C. § 103(a) as being obvious from Larson et al. in view of Becker, Nielson et al., or Florence et al.

IV. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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